

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**JEFFREY M. HEALEY,**

**Plaintiff,**

**v.**

**ROBERT MURPHY, et al.**

**Defendants.**

**and**

**JOEL PENTLARGE,**

**Plaintiff,**

**v.**

**ROBERT MURPHY, et al.**

**Defendants.**

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**CIVIL ACTION NO. 01-11099-NG**

**CIVIL ACTION NO. 04-30177-PBS**

**MOTION TO CONSOLIDATE CASES**

The plaintiffs in each of the two above-entitled actions, Jeffrey Healey (“Mr. Healey”) and Joel Pentlarge (“Mr. Pentlarge,” collectively, the “Plaintiffs”), jointly move that Mr. Pentlarge’s action be consolidated with Mr. Healey’s action, as provided for by Fed.R.Civ.P. 42(a).

In support of this Motion, the Plaintiffs refer the Court to their Memorandum In Support Of Motion To Consolidate Cases, which is attached hereto and incorporated herein. For the reasons set forth in the accompanying Memorandum, Mr. Pentlarge’s action should be consolidated with Mr. Healey’s case. The cases involve common parties, common facts, and

common law. Moreover, the defendants in the two actions cannot possibly claim that prejudice might flow from such a consolidation.

May 31, 2005

Respectfully Submitted,

JEFFREY HEALEY,  
By his attorneys,

/s/

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JOEL PENTLARGE,  
By his attorneys,  
s/John G. Swomley

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1 of the Local Rules of the United States District Court for the District of Massachusetts, I, Joshua Gardner, certify that I attempted to reach counsel for the Defendants, Ms. Murray, by telephone on June 3, 2005 regarding this Motion, but her voice-mail message indicated she would be out of the office until June 6, 2005. In addition, Attorney Houlihan has spoken with Ms. Murray regarding this Motion. Ms. Murray indicated that the defendants would likely oppose the Motion.

/s/

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Joshua W. Gardner

**CERTIFICATE OF SERVICE**

I, John G. Swomley, hereby certify that on the 3rd day of June, 2005, I caused a copy of the foregoing to be served by Fedex on defendants' attorney, Mary P. Murray, Counsel, Department of Correction, Massachusetts Treatment Center, 30 Administration Road, Bridgewater, Massachusetts 02324.

/s John G. Swomley

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John G. Swomley